



IT IS ORDERED as set forth below:

Date: February 21, 2008

James E. Massey

James E. Massey
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:

CASE NO. 04-80505

Marquisha Andrea Amir,

CHAPTER 13

Debtor.

JUDGE MASSEY

ORDER DENYING MOTION TO RECONSIDER DISMISSAL ORDER

After the Court dismissed this case on September 21, 2007 on the Trustee's motion, Debtor filed a motion for reconsideration and scheduled a hearing on the motion for October 17, 2007. The motion was unopposed at the hearing. Unfortunately, Debtor's counsel did not present an order granting the motion until one arrived in Chambers on February 20, 2008. Local Bankruptcy Rule 9013-2(a) provides in relevant part:

- (a) All proposed orders (including findings of fact and conclusions of law or other rulings orally announced by the Bankruptcy Judge and orders submitted following the call of a matter at a scheduled hearing as to which there is no opposition) shall: (1) be prepared in writing and signed by the attorney for the prevailing party, unless the Bankruptcy Court directs otherwise; (2) include the scheduled hearing date, if applicable; and (3) *be*

submitted to the Bankruptcy Judge within seven days from the date of pronouncement or scheduled hearing, if applicable.

(Emphasis added.)

One purpose of BLR 9013-2(a) is make it easier for Court personnel to keep up with pending motions. Another is resolve disputes that affect not only the parties to it but, as here, creditors generally so that affected parties in interest will be able to predict with a reasonable degree of certainty what their rights, duties and options are. Further, movants, like plaintiffs, have an obligation to prosecute their claims promptly, again so that others affected by the assertion of the claims will know what they can and must do. A court system could not be effective if litigants could unilaterally by design or by neglect leave any matter hanging for months on end with no explanation for the delay and with no constraint on their ability to recommence the litigation.

Although the dismissal order in this case was stayed for ten days after its entry, it was effective for all purposes as of the eleventh day, notwithstanding the motion to vacate it. Once a case is dismissed, the automatic stay ends. 11 U.S.C. § 362(c)(2)(B). Because the case was dismissed and not promptly revived, the debtor was no longer obligated to perform the duties of a debtor, including the fiduciary duty inherent in possessing of estate property (since there was no longer an estate), and creditors were free to pursue the Debtor. Reviving the case would treat the interregnum between September 21, 2007 and February 21, 2008 as though the case had never been dismissed, but the time lapse is too great to make the assumptions required about the regularity of events since dismissal. The Court holds that the failure to comply with BLR 9013-

2(a) was in effect an abandonment of the motion and warrants its denial under the facts of this case.

For this reason, the motion to reconsider the Dismissal Order in this case is DENIED. The Clerk is directed to serve a copy of this Order on Debtor, Debtor's counsel, the Chapter 13 Trustee and all creditors.

END OF ORDER